

111TH CONGRESS
1ST SESSION

S. 1526

To establish and clarify that Congress does not authorize persons convicted of dangerous crimes in foreign courts to freely possess firearms in the United States.

IN THE SENATE OF THE UNITED STATES

JULY 28, 2009

Mrs. FEINSTEIN (for herself, Mr. DURBIN, Mr. LAUTENBERG, Mr. WHITEHOUSE, Mrs. GILLIBRAND, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish and clarify that Congress does not authorize persons convicted of dangerous crimes in foreign courts to freely possess firearms in the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “No Firearms for For-
5 eign Felons Act of 2009”.

1 **SEC. 2. DEFINITIONS.**

2 (a) COURTS.—Section 921(a) of title 18, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 “(36) The term ‘any court’ includes any Fed-
6 eral, State, or foreign court.”.

7 (b) EXCLUSION OF CERTAIN FELONIES.—Section
8 921(a)(20) of title 18, United States Code, is amended—

9 (1) in subparagraph (A), by striking “any Fed-
10 eral or State offenses” and inserting “any Federal,
11 State, or foreign offenses”;

12 (2) in subparagraph (B), by striking “any State
13 offense classified by the laws of the State” and in-
14 serting “any State or foreign offense classified by
15 the laws of that jurisdiction”; and

16 (3) in the matter following subparagraph (B),
17 in the first sentence, by inserting before the period
18 the following: “, except that a foreign conviction
19 shall not constitute a conviction of such a crime if
20 the convicted person establishes that the foreign con-
21 viction resulted from a denial of fundamental fair-
22 ness that would violate due process if committed in
23 the United States or from conduct that would be
24 legal if committed in the United States”.

25 (c) DOMESTIC VIOLENCE CRIMES.—Section
26 921(a)(33) of title 18, United States Code, is amended—

1 (1) in subparagraph (A), by striking “subpara-
 2 graph (C)” and inserting “subparagraph (B)”; and

3 (2) in subparagraph (B)(ii), by striking “if the
 4 conviction has” and inserting the following: “if the
 5 conviction—

6 “(I) occurred in a foreign jurisdiction
 7 and the convicted person establishes that
 8 the foreign conviction resulted from a de-
 9 nial of fundamental fairness that would
 10 violate due process if committed in the
 11 United States or from conduct that would
 12 be legal if committed in the United States;
 13 or

14 “(II) has”.

15 **SEC. 3. PENALTIES.**

16 Section 924(e)(2)(A)(ii) of title 18, United States
 17 Code, is amended—

18 (1) by striking “an offense under State law”
 19 and inserting “an offense under State or foreign
 20 law”; and

21 (2) by inserting before the semicolon the fol-
 22 lowing: “, except that a foreign conviction shall not
 23 constitute a conviction of such a crime if the con-
 24 victed person establishes that the foreign conviction
 25 resulted from a denial of fundamental fairness that

1 would violate due process if committed in the United
2 States or from conduct that would be legal if com-
3 mitted in the United States”.

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